

REMARKS

A response to the last Office Action was due November 20, 2004. A request for a one-month extension of time and the related fee are enclosed. Accordingly, this response is timely filed.

Reconsideration of this application, as amended, is respectfully requested. By this Amendment, claims 3, 6 and 7 are being amended and new claim 8 is being added to more particularly point out and distinctly claim the subject invention. The addition of "new matter" has been scrupulously avoided. Claims 1-8 remain in this case, albeit claims 1 and 2 have been withdrawn from further consideration as being drawn to a non-elected invention.

In the last Office Action, claims 3-7 were rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite. Each of the concerns identified in this rejection are being rectified by this Amendment. Accordingly, the Examiner is requested to reconsider and withdraw this grounds for rejection.

Claims 3, 6 and 7 stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by Baillod (U.S. Patent No. 4,491,225), and claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as allegedly obvious over Baillod in view of Cohen et al. (U.S. Patent No. 4,750,619). These rejections, to the extent they are deemed applicable to the claims as now presented, are respectfully, but most strenuously traversed.

According to amended independent claim 3, the packaging of the present invention includes, in part:

a stand-alone subassembly including a profiled support frame which is open in its center on which a sheet of stretch and shrink film is positioned, fastened to said support frame and allowing one or more products to be suspended on said sheet, said sheet of stretch and shrink film surrounding and contacting the one or more products beyond a widest region of said one or more products, said subassembly including a lid having a packing placed on its lower face for bearing, without damage, on an upper part of the one or more products.

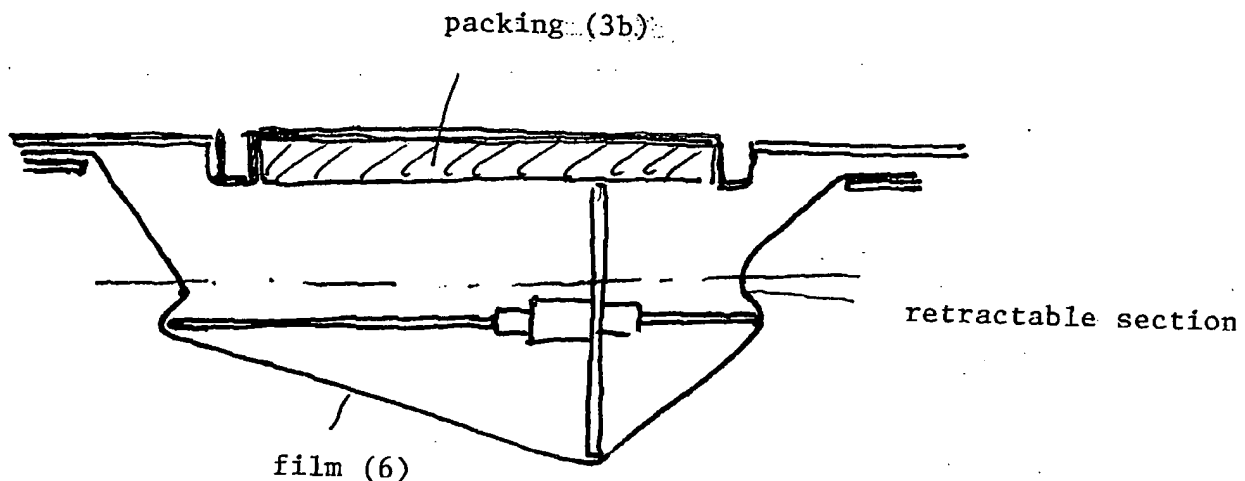
Unique to this structure is (1) the use of a sheet of stretch and shrink film supporting one or more products such that the sheet of film surrounds and contacts the product(s) beyond a widest region of the product(s), and (2) the use of a lid having a packing for bearing, without damage, on an upper part of the product(s). The first feature serves to maintain and protect the

product(s) in the x and y directions. The second feature maintains and protects the product(s) in the z direction.

The first feature ensures that the underlying sheet of film surrounds the product(s) and clasps it tightly beyond its widest part. The combination of the first and second features ensure safe suspension of the product(s) from the support frame. The packaging of the present invention makes it possible to obtain better holding and clasping of products to be packaged, whatever their shape, volume and dimensions, while not requiring any special tooling, for a wide variety of applications.

In sharp contrast to the present invention, the Shock Cushioning Package of Baillod employs a pair of elastic membranes or sheets 3 and 4, to sandwich a product. As seen in Figures 1 and 2 of this reference, the product supporting sheet 4 does not surround and contact the product beyond a widest region of the product. Further, top membrane 3 does not include a packing for bearing, without damage, on an upper part of the product.

If the product of Baillod was to be supported in accordance with the packaging of the present invention, it would look like the following:




Clearly there is no suggestion of this construction in the Baillod reference. Cohen et al. adds nothing that would overcome the fundamental deficiency of the basic reference. Accordingly, the invention, as now defined by independent claim 3, is neither anticipated nor obviated by the applied references. The dependent claims are allowable for the same reasons as the independent claim from which they all ultimately depend, as well as for their additional

limitations. For example, there is no suggestion in the applied prior art of using partial sheet retraction to produce the above described first feature, as recited in new claim 8.

For the above reasons, this application is believed to be in condition for allowance, and such action is respectfully requested. Upon allowance of this application, the Examiner is hereby authorized to cancel withdrawn claims 1 and 2. Applicant expressly reserves the right to pursue patent protection on the withdrawn claims in a divisional application.

If it would advance the prosecution of this application, the Examiner is cordially invited to contact Applicants' representative at the below indicated telephone number.

Respectfully submitted,


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